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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,581	01/10/2002	Ann-Christine Eriksson	027557-100	5225

27045 7590 07/07/2006

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR C11
PLANO, TX 75024

EXAMINER	
NGUYEN, BRIAN D	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/041,581	ERIKSSON, ANN-CHRISTINE	
	Examiner	Art Unit	
	Brian D. Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 14-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 14-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13 and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ericsson Telefon (WO 99/05828).

Regarding claims 1-2 and 4-6, Ericsson Telefon discloses a method of controlling data flow in a telecommunications network in which a base station communicates with a mobile station using a plurality of packet data flows, the packet data flows having respective data flow rates, wherein the method comprises controlling data flow through the network by controlling the data flow rate of each packet data flow, an overall data flow rate to the mobile station and a data flow rate for each base station, wherein the packet data flow is controlled in dependence upon a quality of service level associated therewith, wherein the packet data flows are packet flow contexts, wherein the data flow for a base station is a BVCI connection, wherein the network is a GPRS network (see page 7, lines 17-26; page 8, lines 11-16; page 20, lines 1-21; page 21, line 6 to page 22, line 10), wherein the base station communicates bucket size, bucket leak rate, and bucket full ratio associated with the plurality of the packet data flows to a serving GPRS support node (SGSN) (Ericsson Telefon implicitly discloses these standard features. These features are described in 3GPP TS 08.18 v8.7.0. See paragraph 8.2.3.1 where 3GPP TS 08.18 teaches that "The flow control parameters sent by BSS to the SGSN consist of the following: the bucket size

(Bmax) for a given BVC or MS in the downlink direction; and the bucket leak rate (R) for a given BVC or MS in the downlink direction; and the bucket full ratio for a given BVC or MS in the downlink direction, if the current bucket level (CBL) feature is negotiated.").

Regarding claim 3, Ericsson Telefon discloses the packet data flows are channeled through respective buffers which are operable to receive, store and output data from the associated packet data flows, the packet data flows being controlled such that data output from the buffers is dependant upon the quality of service level for the packet data flow concerned (see page 21, line 6 to page 22, line 10 and the buffers in figure 11).

Regarding claims 7-8 and 10-12, Ericsson Telefon discloses a telecommunications network comprising a base station which is operable to communicate with a mobile station using a plurality of packet data flows associated with the mobile station, each packet data flow having a data flow rate, wherein the base station is operable to control data flow to a mobile station by controlling the data flow rates of the packet data flows associated with the mobile station concerned, wherein the packet data flow is controlled in dependence upon a quality of service level associated therewith, wherein the packet data flows are packet flow contexts, wherein the data flow for a base station is a BVCI connection, wherein the network is a GPRS network (see page 7, lines 17-26; page 8, lines 11-16; page 20, lines 1-21; page 21, line 6 to page 22, line 10), wherein the base station communicates bucket size, bucket leak rate, and bucket full ratio associated with the plurality of the packet data flows to a serving GPRS support node (SGSN) (Ericsson Telefon implicitly discloses these standard features. These features are described in 3GPP TS 08.18 v8.7.0. See paragraph 8.2.3.1 where 3GPP TS 08.18 teaches that "The flow control parameters sent by BSS to the SGSN consist of the following: the bucket size (Bmax) for

a given BVC or MS in the downlink direction; and the bucket leak rate (R) for a given BVC or MS in the downlink direction; and the bucket full ratio for a given BVC or MS in the downlink direction, if the current bucket level (CBL) feature is negotiated.").

Regarding claim 9, Ericsson Telefon discloses the packet data flows are channeled through respective buffers which are operable to receive, store and output data from the associated packet data flows, the packet data flows being controlled such that data output from the buffers is dependant upon the quality of service level for the packet data flow concerned (see page 21, line 6 to page 22, line 10 and the buffers in figure 11).

Regarding claims 14-19, claims 14-19 are apparatus claims that have substantially the same limitations as the respective method claims 1-6. Therefore, they are subject to the same rejection.

Response to Arguments

3. Applicant's arguments filed 6/9/06 have been fully considered but they are not persuasive.

The applicant argued that *the amended claims are distinguishable and patentable over the cited references. More specifically, even though Ericsson Telefon (which is owned by the same Assignee herein) may disclose a plurality of queues (buffers) for providing quality of service (QoS) by controlling the data flow rate of each packet data flow, the overall data flow rate to the mobile station, and the data flow rate for each base station, the Applicant respectfully submits that nothing in Ericsson Telefon discloses the step of a base station communicating "bucket size, bucket leak rate, and bucket full ratio associated with said plurality of packet data*

flow to a serving GPRS support node (SGSN)." The Applicant submits that nothing in the cited reference discloses or teaches the recited step of communicating the such information (bucket size, leak rate and full ratio) from a base station serving a mobile station to a serving GPRS support node. This argument is not persuasive because although Ericsson Telefon does not explicitly describe communicating bucket size, leak rate and full ratio from a base station serving a mobile station to a serving GPRS support node, these are standard features for GSM/GPRS in which the GSM/GPRS cellular telephone network of Ericsson Telefon applies.

Conclusion

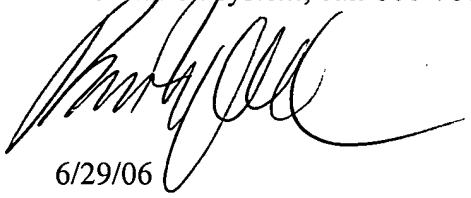
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



6/29/06

BRIAN NGUYEN
PRIMARY EXAMINER